

### **REMARKS**

Applicant expresses appreciation to the Examiner for the recent in-person interview granted to Applicants' representative and conducted on September 19, 2006. At the interview proposed amendments to claim 1 were proposed and discussed in relation to the applied prior art of record (Sankuratripati and Sugiarto). Claim 1 has been amended as proposed at the interview, and new claim 46 has been presented as proposed. Dependent claims 5, 36, 41, 42, 44 and 45 have also been amended. Accordingly, by this paper, claims 1, 5, 36, 41, 42, 44 and 45 have been amended, claim 46 added, and claim 37 cancelled without prejudice.<sup>1</sup> Independent claim 1 (directed to a method) and claim 46 (directed to a corresponding computer program product), with depending claims 2-5, 36 and 38-45 are therefore presented for reconsideration.

In the non-final Office Action, claims 1-5, 36, 37 and 42 were rejected under 35 U.S.C § 103(a) as obvious over Sankuratripati (U.S. Publ. No. 2002/0029267) in view of Sugiarto (U.S. Patent No. 6,278,449). Claims 38-40 were rejected under 35 U.S.C § 103(a) as obvious over Sankuratripati (U.S. Publ. No. 2002/0029267) in view of Sugiarto (U.S. Patent No. 6,278,449) and further in view of Gerdes (U.S. Publ. No. 2003/0046541), and claim 41 was rejected under 35 U.S.C § 103(a) as obvious over Sankuratripati (U.S. Publ. No. 2002/0029267) in view of Sugiarto (U.S. Patent No. 6,278,449) and further in view of Kunigita (U.S. Patent No. 6,836,727).<sup>2</sup>

As discussed during the interview, the present invention is directed to certain embodiments in which a server selects a mobile device template that controls the presentation format in which information is presented to a user, so as to deliver contextually relevant information to the user. As recited in claim 1, for example, the server receives information identifying a current physical location of a mobile device that is being used by a mobile user. The server further receives identification of the mobile user from the mobile device as well as a time indicator. At the server, aggregate user preference data corresponding to user preferences or usage data is retrieved based on the received identification of the mobile user. The server

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<sup>1</sup> Support for the claim amendments and new claim can be found throughout Applicant's original application, including at least the disclosure in paragraphs 12, 33, 45, 46, 50, 53 and 63 of the originally filed application.

<sup>2</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should the need arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

then, from a plurality of available mobile device templates, selects at least one mobile device template that is communicated to the mobile user's mobile device based on a determination of which mobile device templates are relevant according to the aggregate user preference data and the identified current physical location of the mobile device, such that the presentation format of the additional information is based on at least the aggregate user preference data and the current physical location of the mobile device.

As discussed during the interview, claims 1 and 46 define a method and computer program product, respectively, which are substantially different from Sankuratripati and Sugiarto. In particular, Sankuratripati is directed to a system and method for selecting advertising based on user preference and demographic data. *Abstract*, ¶¶ 40-43, 47. In particular, a user profile is created which includes the user's demographic information (e.g. household income, family relationships, hobbies/interests, and location information) and the user's online behavior. *Id.* Using the information in this user profile, a server can provide dynamic target advertising to select and deliver advertising matching the user profile. *Abstract*, ¶¶ 57, 58, 63, 64.

As also discussed during the interview, Sugiarto generally relates to a system and method for designating what information to received and how to display it to the user. *Abstract*. In particular, a user can create one or more configuration files which are used to specify what information the user would like to retrieve and how the retrieved information is to be formatted. *Col. 4, ll. 11-35*. By creating or selecting a different configuration profile, a user can thus change what information is presented and/or the presentation format of the information.

As further noted in the interview, while Sankuratripati and Sugiarto each generally relate to information retrieval, they fail, whether alone or in combination to suggest the present invention. For example, among other things, Sankuratripati and Sugiarto fail to disclose wherein a *presentation format* of the additional information is based on at least the aggregate user preference data and the current physical location of the mobile device. In particular, neither Sankuratripati nor Sugiarto discloses that the presentation format of data is selected based upon user preference/usage data *and* the current physical location of the mobile device, nor do they provide any suggestion that the format should be changed based on, for example, the location of the mobile device.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time.<sup>3</sup>

For at least the foregoing reasons, and the others discussed during the interview, the claims are believed to be in condition for allowance and thus favorable reconsideration and action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3<sup>rd</sup> day of November, 2006.

Respectfully submitted,



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<sup>3</sup> It will be appreciated that although Applicant is not addressing each claim individually, this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent the Office Action relies on any Official Notice, implicitly or explicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially notices, as well as the required motivation or suggestion to combine references with the other art of record.